

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b))	
Table of Allotments)	MM Docket No. 02-
FM Broadcast Stations)	RM -
(Glens Falls, Indian Lake, Malta)	
and Queensbury, New York))	

To: Chief, Office of Broadcast Licensing Policy
Audio Division
Media Bureau

Petition for Rule Making

VOX NEW YORK, LLC

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October 22, 2002

MB 02-254

SUMMARY

This Petition for Rule Making (“Petition”), filed on behalf of Vox New York, LLC and Entertronics, Inc. (collectively, the “Joint Petitioners”), requests changes to the FM Table of Allotments to facilitate the introduction of first local FM service into Indian Lake and Malta, New York, respectively. The changes represent a preferential arrangement of allotments pursuant to the FM Table of Allotments and would increase service to a substantial segment of the public. Specifically, this petition proposes the deletion of channel 28981 at Queensbury, New York, and the allocation of channel 289A to Malta, with a modification of the license for WNYQ(FM) to reflect the new community of license and the channel downgrade. Concurrently, this Petition proposes the deletion of channel 240A at Glens Falls, New York, the reallocation of that channel to Queensbury, and the modification of WCQL-FM’s authorization to reflect the new community of license. Finally, this Petition proposes the allocation of channel 290A to Indian Lake as that community’s first local service. The proposal would provide a net increase of new 60 dBu service to 317,016 persons and an elimination of the short spacing associated with WCQL-FM in Glens Falls. The proposed channel substitutions would provide a first local service to Indian Lake and Malta, while Queensbury would retain a broadcast transmission service through the reallocation of WCQL-FM and Glens Falls would continue to receive local service from several other licensed commercial radio stations. Accordingly, the Joint Petitioners urge the Commission to issue a Notice of Proposed Rule Making to implement the changes requested in this Petition.

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Table of Allotments)	MM Docket No. 02-
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Petition for Rule Making

1. Vox New York, LLC (“Vox New York”), licensee of WNYQ(FM), Queensbury, New York, and Entertronics. Inc. (“Entertronics”). licensee of WCQL-FM, Glens Falls, New York, by their counsel, hereby submit this Petition for Rule Making (“Petition”) filed pursuant to Section 1.420(i) of the Commission’s Rules.¹ Vox New York and Entertronics seek to amend Section 73.202(b) to enable significant station enhancements and to improve service to the public. As shown below, these improvements constitute a preferential arrangement under the FM allotment priorities and may be granted without delay. In support thereof, the following is hereby shown:

I. Technical Compliance

2. The Petition proposes modifications to the FM Table of Allotments to delete the allotment of channel 289B1 at Queensbury and to add an allotment for channel 289A at Malta, New York, with a relocation of the transmitter site to new reference coordinates. The Petition

¹ Section 1.420(i) provides that “the Commission may modify the license ... of an FM ... broadcast station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee’s or permittee’s present assignment.”

also proposes to reallocate channel **240A** from Glens Falls to Queensbury, thus ensuring continued local transmission service to Queensbury. Furthermore, the Petition proposes a new “drop-in” allotment of Channel 290A to Indian Lake, New York. These changes will require modification of the current WNYQ(FM) authorization to change the community of license from Queensbury to Malta, as well as modification of the WCQL-FM authorization to change the community of license from Glens Falls to Queensbury.

3. As detailed in the attached Engineering Statement,² the proposed allotments comport with the Commission’s minimum-distance separation requirements as outlined in Section 73.207 of the Commission’s Rules. Each allotment is mutually exclusive with the existing allotments and would provide the requisite 70 dBu coverage to the principal communities associated with the new allotments in compliance with Section 73.315(a) of the FCC’s Rules.³ In addition, Glens Falls would continue to receive AM and FM service⁴ and thus the reallocation of Channel 240A from Glens Falls to Queensbury would not deprive Glens Falls of local transmission service. Furthermore, the Engineering Statement shows that although the proposed relocation of the transmitters will leave 2,740 people with four aural services, the proposal will provide an additional aural service to 6,616 persons who currently receive fewer than five aural services.

² See Engineering Statement of Robert M. Smith, Jr., attached as Exhibit 1 (“Engineering Statement”).

³ See Engineering Statement. Section 73.315(a) provides that the “transmitter location shall be chosen so that, on the basis of the effective radiated power and the antenna height above average terrain employed, a minimum field strength of 70 dB above one $\mu\text{V}/\text{m}$ (dBu), or 3.16 mV/m, will be provided over the entire principal community to be served.”

⁴ For example, the FCC’s CDBS associates the following licensed stations with Glens Falls, New York: WMML(AM) (1230 kHz), licensed to Vox New York, LLC; WWSC(AM) (1450 kHz), licensed to Entertronics, Inc.; WLJH(FM) (90.9 MHz), licensed to Sound of Life, Inc.; and WGFR(FM) (92.7 MHz), licensed to Board of Trustees of Adirondack College.

II. Community of License – Malta, New York

4. Vox New York requests a change in its authorized community of license for WNYQ(FM) from Queensbury to Malta; through the deletion of the current allotment of channel 28981 at Queensbury, with an allotment of Channel 289A and a revision of the community of license for the station accordingly. In accordance with *Revision of FM Assignment Policies and Procedures*,⁵ such an allocation is afforded an enhanced allotment priority over retention of the allotments in their existing communities

5. The proposal introduces a first local service into Malta (which would constitute a Priority (3) under the *FM Priorities*) while Queensbury would retain a first local service with the allotment of Channel **240A** from Glens Falls to Queensbury.⁶ In addition, the proposed allotment would enable the introduction of a new Class **A** allotment on Channel 290A, consistent with the FCC's spacing and other technical requirements, to serve the community of Indian Lake., The proposed arrangement is preferable to the present allocations, which are at best Priority (4) ("Other public interest matters") under the *FM Priorities*.⁷

6. The proposed allotment to Malta would place a city-grade signal over more than 50 percent of the Saratoga Springs Urbanized Area.⁸ Accordingly, the Petition analyzes Malta's independence from Saratoga Springs based on the FCC's well-established *Tuck* factors and the *Huntington*-related precedent regarding allotment proposals located near or within an Urbanized

⁵ See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982), *partial recon. denied* FCC 82-414, *recon. denied*. 56 R.R.2d 448 (1984) ("FM Priorities").

⁶ The FM allotment priorities are (1) First fulltime aural service; (2) Second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3). See *FM Priorities* at ¶¶ 7-14.

Id.,

⁸ Throughout the instant Petition, the term "Urbanized Area" refers to those Qualifying Urban areas specified in *Qualifying Urban Areas for Census 2000*, Federal Register Vol. 67, No. 84 (rel. May 1, 2002).

Area." As an initial matter, the Joint Petitioners note that the existing allotment to Queensbury currently serves, in part, the Glens Falls Urbanized Area. Accordingly, reallocation of WNYQ(FM) would not trigger the concerns associated with *Huntington* and related precedent regarding the potential migration of stations from lesser-served rural areas to urban areas.¹⁰ Nevertheless, as demonstrated below, the *Tuck* factors would overwhelmingly favor the Malta allotment.

7. In prior decisions, the FCC has affirmed that where the *Huntington* doctrine applies, the paramount consideration in determining whether a community is entitled to a preference as a first local service is the proposed community's independence from the central city.¹¹ The Commission considers eight indicia of community status in assessing a community's independence from the central city: 1) the extent to which the community's residents work in the larger metropolitan area, rather than in the specified community; 2) whether the community has its own newspaper or other media that cover the community's local needs and interests; 3) whether community leaders and residents perceive the specified community as an integral part of, or separate from, the larger community; 4) whether the specified community has a local

⁹ See *Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (Allocations Branch, 1995) (adopting requirement that stations seeking to move from rural communities to communities near Urbanized Areas must provide a *Tuck* showing if the allotment would place a 70 dBu signal over 50 percent on more of the Urbanized Area); see also *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988) (delineating eight-factor analysis for determining a proposed community's independence from a nearby Urbanized Area); *Huntington Broadcasting Co.*, 192 F.2d 33 (D.C. Cir. 1951).

¹⁰ See, e.g., *East Los Angeles, Long Beach, and Frazier Park, California*, 10 FCC Rcd 2864 (Allocations Branch, 1995) (noting that "we have applied *Huntington* and *Faye and Richard Tuck* in cases involving moves from communities outside of urbanized areas to communities inside of urbanized areas ... because we were concerned that a first local service preference was being used as a mechanism for a station to enter a large market. However, those concerns do not exist in cases ... where a station is already licensed to a community in an urbanized area and seeks to change its community of license to another community in the same urbanized area.") Census 2000 data indicate that at least a portion of Queensbury lies within the Glens Falls Urbanized Area. See Exhibit 3.

¹¹ See, e.g., *Pitkin, Lake Charles, et al.*, 15 FCC Rcd 17311 at ¶ 9 (Allocations Branch, 2000). The Commission also considers two additional criteria, which are discussed in more detail *infra*: the relative size and proximity of the suburban community to the Urbanized Area and the signal coverage to be provided to the Urbanized Area.

government and elected officials; 5) whether the specified community has its own local telephone book provided by the local telephone company or zip code; 6) whether the community has its own commercial establishments, health facilities and transportation systems; 7) the extent to which the specified community and the central city are part of the same advertising market; and 8) the extent to which the specified community relies upon the larger metropolitan area for various municipal services, such as police, fire protection, schools and libraries.¹² Proponents must demonstrate that a majority of these factors support a proposed community's independence." This is the case with the instant Petition, which demonstrates Malta's independence from Saratoga Springs and entitlement to a first local service.

A. Malta Offers its Residents Significant Employment Opportunities (Factor I); and Malta has Local Business and Health Facilities (Factors I and 6)

8. Malta's population is 13,005 persons, according to 2000 Census data.¹³ Malta promotes local commerce through the Malta Business and Professional Association.¹⁵ Malta businesses include retail businesses like Best Buy Housing and Furniture Theatre; restaurants like Andy's **Pizza & Grill**, Leprechaun Pub, The Publik House, Memory Lane Ice Cream Cafe and Subway; and financial services companies like Ballston Spa National Bank, KeyBank and Pioneer Savings Bank.¹⁶ Malta is home to the corporate headquarters of Stewart's Shops, the North Atlantic Regional Office of the State Farm Insurance Company and Racemark International.¹⁷

¹² See, e.g., *Faye and Richard Tuck* at ¶ 36.

¹³ See *Parker and Port St Joe, Florida*, 11 FCC Rcd 1095 (Allocations Branch, 1996).

¹⁴ See Exhibit 2 Unless otherwise specified, all population data provided in the Petition and the accompanying exhibits are provided by the U.S. Census Bureau. See <http://www.census.gov>.

¹⁵ See <http://www.maltambpa.org>

¹⁶ See Exhibit 2: Ballston Spa & Malta Telephone Directory 2001-2002, published by Easy Book Publishing, Inc. ("Phone Directory")

¹⁷ See <http://www.malta-town.org>.

9. Several businesses in Malta and Round Lake demonstrate the local nature of their trade by using "Malta" in their name: the Malta Drive-In Theatre, the Malta Touch Free Car Wash, Al's Malta TV Sales & Service, Wine & Liquor Shop of Malta, Malta Getty, and others.¹⁸ Malta has no hospital, but family practitioners, general practitioners and dentists have established practices in Malta, and several clinics are available to Malta residents and seniors.

B. Malta Residents and Government Leaders Clearly Consider Malta To Be Separate from Surrounding Communities (Factor 3)

10. Several facts demonstrate that Malta's residents and government leaders perceive their community as separate from surrounding communities. The town of Malta, located in the southern portion of Saratoga County, is celebrating its 200th Anniversary as a community this year with events including the Annual Community Day, the Emergency Services Day and the Bicentennial Tree Lighting Ceremony.¹⁹ In addition, Malta is home to several community parks, including Collamer Park, Shenantaha Creek Park and Malta Community Park.²⁰

11. The town's website recounts Malta's history and development, describing how Malta was settled in the late 1700s and grew as a community located near a malt brewery.²¹ Malta was officially established in 1802 as a mill town.²² Historic places in Malta include the Parade Grounds, which were used as a Revolutionary War training site, and Round Lake auditorium. In August 2001, New York Governor George Pataki announced that a new business park will be located in Malta, representing the first such facility in the country devoted to new energy technologies. The park is part of a joint venture by the New York State Energy and

¹⁸ See Exhibit 2.

¹⁹ See <http://www.malta-town.org/bicentennial.htm>.

²⁰ See <http://www.malta-town.org/leisure.htm>.

²¹ See <http://www.malta-town.org/history.htm>.

²² *Id.*

Research Development Authority, the Saratoga Economic Development Corporation and the State University of New York system. All of these factors are evidence of the community's perception of Malta's independence

C. Malta Has a Zip Code and a Local Telephone Book (Factor 5)

12. Malta is located on Interstate 87 in the heart of Saratoga County, New York. Its post office is located at 12 Hempill Place in Malta, and the town also receives mail service from nearby Ballston Spa. Both communities share zip code 12020, and Malta, Ballston Spa and other smaller communities share a local telephone book and yellow pages.

D. Several Local Newspapers and Other Media Serve Malta Residents; Businesses Need Not Rely on Saratoga Springs-based Media to Reach Malta Residents (Factors 2 and 7)

13. Malta constitutes a separate advertising market from Saratoga Springs because Malta residents may turn to several media outlets outside of Saratoga Springs for coverage of local events and public affairs. These outlets include the *Schenectady Gazette* (published in Schenectady, New York), the *Ballston Journal* (published in Ballston Spa, New York), the *Times Union* (published in Albany, New York) and the local *Pennysaver*. In addition, Malta residents may look to their local government for public affairs information: Malta's extensive web site at www.malta-town.org includes an online newsletter containing news of interest to local residents. Businesses seeking to direct advertising to Malta residents need not rely on media associated with Saratoga Springs.

E. Malta Has A Local Government and Elected Officials (Factor 4)

14. Malta's day-to-day affairs are overseen by an elected five-person town board, which comprises a town supervisor, a deputy supervisor and three members. The town government is

autonomous and has authority to issue permits, assess property and conduct zoning functions.” Malta employs approximately 60 full-time workers, including a town clerk, comptroller, town assessor, town historian, town attorney, planning attorney, animal control officer and webmaster.²⁴ Malta has a Zoning Board of Appeals and a Zoning Review Commission, a Building Department and a Planning Board.²⁵ Two town justices serve the Malta Town Court.

15. Malta provides its residents with many fundamental services, including public works, and parks and recreation services. Malta's Volunteer Fire Department employs approximately 200 firefighters, while Malta's residents are served by the New York State police and the Saratoga County Sheriffs Department. Malta purchases power and natural gas from Niagara Mohawk. Malta does not rely on Saratoga Springs for primary, elementary and high schools; Malta residents send their children to public schools within the Ballston Spa Central School District, not to Saratoga Springs.

F. Additional Considerations for First Local Service

16. Malta satisfies the majority of the *Tuck* criteria, and thus is entitled to a preference as a first local service.²⁶ The Commission's analysis of two additional Huntington considerations further supports this conclusion. First, the Commission considers the extent to which the station will provide service to the entire nearby Urbanized Area. The Commission also considers the relative populations of the suburban and central city

17. The proposed net gain of 307,458 persons receiving 60 dBU service from the allotment is in the public interest. Although the proposed allotment to Malta will provide service

²³ Malta's Town Code is available on the Internet at <http://www.malta-town.org/maltacode.htm>

²⁴ See “The Malta Town Family” at <http://www.malta-town.org/family.htm>.

²⁵ *Id.*

²⁶ See, e.g., *Headland, Alabama, supra*.

to the Saratoga Springs Urbanized Area, with regard to relative size and proximity, Malta's 2000 population of 13,005 constitutes approximately 25.4 percent of the 2000 population of the Saratoga Springs Urbanized Area (51,172). This percentage exceeds percentages approved by the Commission in other proceedings."

III. Community of License – Queensbury, New York

18. Entertronics seeks to change its authorized community of license for WCQL-FM from Glens Falls to Queensbury by proposing the deletion of the current allotment of channel 240A at Glens Falls and an allotment of channel 240A at Queensbury. This change would require a change in WCQL-FM's current transmitter site. Queensbury's community status is clearly evidenced by the current allocation of channel 289B1 to Queensbury. The allocation of Channel 240A at Queensbury would constitute a first local service due to the removal of Channel 289B1 via the reallocation to Malta. However, no *Tuck* showing is required in this situation because WCQL-FM serves Glens Falls, which is located within the Glens Falls Urbanized Area, and the proposed relocation to Queensbury involves a community that is located, in part, within that same Urbanized Area.²⁸

19. Queensbury appears in the U.S. Census and is home to 25,441 persons." Queensbury has a five-member Town Board consisting of a town supervisor and *four* council members." In addition, Queensbury has a highway department, parks and recreation department, water and waste water department and a volunteer fire department." For these reasons, Queensbury's

²⁷ See, e.g., *Ada, Newcastle and Watonga, Oklahoma*, 22 FCC Rcd 16896 (1996) (0.9 percent).

²⁸ See, e.g., *East Los Angeles*, *supra*.

²⁹ See Exhibit 3.

³⁰ See <http://www.queensbury.net/government.html>.

³¹ *Id.*

status as a community for allotment purposes has been well established in accordance with FCC precedent.

20. The reallocation of channel 240A from Glens Falls to Queensbury will not deprive Glens Falls of local radio service, and thus retention of the station remains Priority (4), rather than the priority (3) that would be implicated by a proposal to remove a community's sole local service. The proposal would result in a net gain of service to 19,104 people. For these reasons, reallocation of the channel in the context of this Petition represents a preferred allotment according to the FM Priorities.

IV. Community of License – Indian Lake

21. Vox New York also requests a new allotment of Channel 29 for Indian Lake, New York, an allotment that is enabled by the proposed reallocations of Channel 289B1 from Queensbury to Malta as Channel 289A and of Channel 240A from Glens Falls to Queensbury. As detailed below, Indian Lake exhibits the requisite indicia of community status articulated in FCC precedent and thus merits a new allotment as a first local service.

22. Indian Lake is recognized in the 2000 Census as a town of 1,471 persons.³² Indian Lake is the largest community in Hamilton County, New York, located in the Adirondack Mountains.³³ Indian Lake's post office is located on Main Street and is associated with the zip code 12842. Indian Lake has a chamber of commerce and town supervisor.³⁴ Indian Lake is not located within an Urbanized Area, and the proposed station's 70 dBu signal would not

³² See Exhibit 4

³³ *Id*

³⁴ See Exhibit 4

encompass more than 50 percent of any Urbanized Area; thus, no *Tuck* showing is required for Indian Lake.”

23. With respect to the proposal’s compliance with the FCC’s technical rules, Indian Lake complies fully with the minimum distance separation requirements of 73.207. Moreover, the proposed allotment complies fully with the FCC’s community coverage requirements and no waiver of 73.315(a) is necessary. Section 73.315(a) of the FCC’s Rules requires that any proposed allotment site must provide 70 dBu coverage over the entire community of license. In interpreting Section 73.315(a), the FCC has held in some contexts that town’s political boundaries are irrelevant for purposes of determining compliance with the city-grade coverage requirements; instead, only the town’s “urban portions” need to receive 70 dBu coverage.” The FCC has stated that many New England towns actually encompass a center urban area with large surrounding rural areas and were established “along township lines which bore little resemblance to the extent of the actual urbanized area.” which, in turn, was “very much smaller than the designated city limits.”” Accordingly, in those circumstances, the FCC has ruled that proposals to serve the urban portions of a town comply with Section 73.315(a) without the need for a waiver.

24. Indian Lake shares these characteristics. **As** the FCC recently acknowledged, “New York State uses the term ‘Town’ to define a larger subdivision within a county,”³⁵ and the U.S. Census Bureau considers towns in New York State and several New England towns to be ‘minor

³⁵ See *Headland, Alabama*, *supra*.

³⁶ See, e.g., *Alpha & Omega Educational Broadcast Foundation, Inc. et al.*, 5 FCC Rcd 2693 (1990); *Reikshire Broadcasting-South, Inc.*, 2 FCC Rcd 3226 (1987) (holding that applications satisfied city-grade coverage requirement when demonstrating coverage to the urban portion of the town of Great Barrington, Massachusetts); *Andy Valley Broadcasting System, Inc.*, 12 FCC 2d 3 (1968); *Manchester Broadcasting Co.*, 24 FCC 199 (1958).

³⁷ See *Andy Valley Broadcasting System, Inc.* at ¶ 6.

civil divisions,” which are the primary governmental or administrative divisions of a county in those states and which also serve as general-purpose local governments, similar to incorporated places.³⁹ Also as in the New England towns, most Indian Lake residents live in a central population center, which in this case is located near the intersection of two major highways and the water body known as Indian Lake. As the Engineering Statement indicates, much of the remaining land area is rural, mountainous and inaccessible by road.” Indian Lake town is characterized by highly irregular political boundaries, which span 42 kilometers between the town’s easternmost and westernmost points.⁴¹ Accordingly, the principal community of Indian Lake is not co-extensive with the town’s political boundaries, and any finding otherwise would have the unintended consequence of precluding the allotment of *any* Class A station operating at maximum facilities to Indian Lake in compliance with 73.315(a).⁴² Such a result would contradict the Commission’s prior decision to license a 78-watt noncommercial station to Blue Mountain Lake, an unincorporated hamlet located entirely within Indian Lake’s municipal boundaries.⁴³ For these reasons, channel 290A may be allotted to Indian Lake without a waiver of 73.315(a) because the proposed allotment site would provide 70 dBu coverage to 100 percent

³⁸ See *West Hurley, Rosendale and Rhinebeck, New York, and North Canaan and Sharon, Connecticut*, 17 FCC Rcd 5339 (March 22, 2002).

³⁹ See Census 2000 Geographic Definitions at http://www.census.gov/geo/www_geo_defn.html. (noting that minor civil divisions in Connecticut, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and Wisconsin are also local governments).

⁴⁰ See Engineering Statement

⁴¹ *Id.*

⁴² See Engineering Statement,

⁴³ According to the FCC’s CDBS database, noncommercial FM station WXLH(FM) is licensed on 91.3 MHz to the St. Lawrence University.

of the urban portions of the town.⁴⁴ Thus, the instant proposal complies fully with Section 73.315(a)'s city-grade coverage requirements

Conclusion

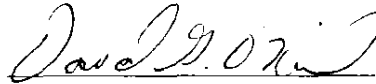
The instant Petition proposes the following changes to the FM Table of Allotments:

	<u>Current</u>	<u>Proposed</u>
Indian Lake, NY	---	290A
Malta, NY	---	289A
Queensbury, NY	289B1	240A
Glens Falls, NY	240A	---

In the event the Commission makes the proposed changes to the FM Table of Allotments, **Vox** New York and Entertronics will timely file the necessary applications for construction permit for the new stations and will construct the new facilities in a timely manner. In addition, if the FCC allots Channel 290A to Indian Lake, Vox New York will file the necessary applications to participate in the FCC auction for that station. The instant proposal serves the public interest by enabling the Joint Petitioners to improve two of their stations and to effect significant coverage increases for stations WNYQ(FM) and WCQL-FM, and to provide first local service to Malta and Indian Lake. The Joint Petitioners are confident that this proposal can be implemented with a minimal impact on Commission resources. For these reasons, approval of this proposal is respectfully requested

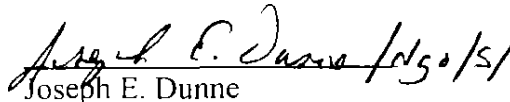
⁴⁴ Accordingly, the cases of *Caldwell, College Station and Gause, Texas*, 15 FCC Rcd 3322 (2000) and *Cloverdale, Montgomery and Warrior, Alabama*, 15 FCC Rcd 11050 (2000) do not compel a different result. In those cases, the Commission refused to grant requested waivers of city-grade coverage at the allotment stage.

WHEREFORE, FOR THE FOREGOING REASONS, Vox New York, LLC and Entertronics, Inc. respectfully request that the Commission issue a Notice of Proposed Rulemaking in connection with the proposal outlined in this Petition for Rule Making and modify Section 73.202(b) accordingly.



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October 22, 2002

However, waiver is neither required nor requested in the instant Petition because the proposed 70 dBu signal covers the entire principal community to be served – the urban portions of the town of Indian Lake

Exhibit 1

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ENGINEERING STATEMENT

**IN SUPPORT OF
PETITION FOR RULE MAKING**

BY :

VOX NEW YORK, LLC

And

ENTERTRONICS, INC.

October 2002

PURPOSE AND SCOPE

The Petition, of which this Statement is a part, requests a modification of the FCC FM Table of Allotments in 47 CFR §73.202 by deleting the allotment of channel 289B1 at Queensbury, NY, adding an allotment 289A at Malta, NY; deleting the allotment of channel 240A at Glens Falls, NY, adding an allotment 240A at Queensbury, NY; and adding an allotment for channel 290A at Indian Lake, NY. The results of these changes are:

1. WNYQ(FM)'s (FCC Facility ID 6613) principal community changes from Queensbury, NY (on channel 289B1) to Malta, NY (on channel 289A) as that community's first local service.
2. WCQL(FM)'s (FCC Facility ID 36767) principal community changes from Glens Falls, NY to Queensbury, NY (both on channel 240A).
3. A first local service is allotted to Indian Lake, ~~NY~~ on channel 290A.

This Statement supports the Petition by showing that the new allotments comply with applicable spacing requirements, provide 70 dBu coverage to the principal communities of the new allotments, provide 60 dBu coverage to a larger population than does the present allotment scheme and are mutually exclusive with the present allotments.

ALLOTMENT SITES

CHANNEL 289A AT MALTA, NY

A computerized search of the FCC's CDBS FM database shows that an allotment site specified at N42-58-58, W73-48-00 is fully spaced per the requirements of 47 CFR §73.207(b)(1) to all domestic stations/allotments. The site is also fully spaced, per the requirements of the Canada-United States FM Broadcasting Agreement, to all Canadian stations/allotments.

The proposed allotment site is located within the political boundaries of Malta, NY.

CHANNEL 240A AT QUEENSBURY, NY

A computerized search of the FCC's CDBS FM database shows that an allotment site specified at N43-24-12, W73-40-25 is fully spaced per the requirements of 47 CFR §73.207(b)(1) to all domestic stations/allotments. The site is short-spaced to CJFM-FM, 240C1, Montreal, QU.

The ground elevation at this site is 439 meters AMSL. **An** allotment site 30 meters above ground results in an allotment height of 469 meters AMSL or 261 meters HAAT. At 261 meters **HAAT** a full Class A facility requires an ERP of 0.872 kW to equal a class standard of 6.0 kW at 100 meters HAAT. At the full Class A equivalent of 0.872 kW at 261 meters HAAT, the 34 dBu F(50,10) contour does not cross the U.S. / Canada border. This facility provides full protection to CJFM-FM as required by the Agreement. A tabulation of the proposed facility 34 dBu contour is included in Table 1.

The proposed allotment site is located within the political boundaries of Queensbury, NY.

CHANNEL 290A AT INDIAN LAKE, NY

A computerized search of the FCC's CDBS FM database shows that an allotment site specified at N43-48-00, W74-17-30 is fully spaced per the requirements of 47 CFR §73.207(b)(1) to all domestic stations/allotments except to the current antenna site for WNYQ(FM), 28981, Queensbury, NY. This short spacing will be eliminated by the move of 289B1 to 289A in Malta as herein proposed. The site is also fully spaced, per the requirements of the Canada-United States FM Broadcasting Agreement, to all Canadian stations/allotments.

The proposed allotment site is located within the political boundaries of Indian Lake, NY.

PRINCIPAL COMMUNITY COVERAGE

CHANNEL 289A AT MALTA, NY

Figure 1 is a portion of a USCS 1:100,000 scale Topographic Series map on which are plotted the political boundaries of Malta, NY and the 70 dBu contour of a full Class A facility (6.0 kW, 100 meters HAAT) at the proposed reference coordinates. The 70 dBu F(50,50) contour from the proposed allotment site encompasses all of Malta, NY. The point in Malta farthest from the allotment site is 9.2 kilometers from the site. A class standard 70 dBu contour of 16.2 km also encompasses all of Malta.

CHANNEL 240A AT QUEENSBURY, NY

Figure 2 is a portion of a USGS 1:100,000 scale Topographic Series map on which are plotted the political boundaries of Queensbury, NY and the 70 dBu contour of a full equivalent Class A facility (0.872 kW, 261 meters HAAT) at the proposed reference coordinates. The 70 dBu F(50,50) contour from the proposed allotment site encompasses all of Queensbury, NY. The

point in Queensbury farthest from the allotment site is 16 kilometers from the site. A class standard 70 dBu contour of 16.2 km also encompasses all of Queensbury.

CHANNEL 290A AT INDIAN LAKE, NY

Figure 3 is a portion of a USGS 1:100,000 scale Topographic Series map. On it are plotted the political boundaries of the town of Indian Lake, NY, the boundaries of the town's population centers at Indian Lake and Blue Mountain Lake, and the 70 dBu contour of a full Class A facility (6.0 kW, 100 meters HAAT) at the proposed reference coordinates. The 70 dBu F(50,50) contour from the proposed allotment site encompasses all of the population center of Indian Lake and of the population center of Blue Mountain Lake.

The remainder of the town's land area is rural, largely unpopulated **and** mountainous, with much of this area inaccessible by road. However, Figure 3 demonstrates that the 70 dBu contour encompasses the urban portions of the town of Indian Lake.

Due to the mountainous terrain and the 42-kilometer distance between the town's easternmost and westernmost points, the 70 dBu contour does not encompass all of the land area within the town's political boundaries; however no Class A facility with its class standard 70 dBu contour of 16.2 km can completely cover a political subdivision that spans 42 km.

PRESENT VERSUS PROPOSED SERVICE

CHANNEL 289A AT MALTA, NY

The present WNYQ(FM) facility's 60 dBu contour encompasses an area of 4879 square kilometers and 164,293 persons. The 60 dBu contour from the proposed operation of Channel 289A in Malta, **NY** covers 2521 square kilometers and 471,751 persons. A modification of the Table of Allotments, as proposed in this Petition will result in an increase of 307,458 persons (a 187.1% increase) receiving 60 dBu service from WNYQ(FM).

The operation of WNYQ(FM) on 289A at Malta, NY will provide the first local service to that community.

CHANNEL 240A AT QUEENSBURY, NY

The present WCQL(FM) facility's 60 dBu contour encompasses an area of 1854 square kilometers and 123,453 persons. Of that area and population, 1437 square kilometers and

107,254 persons will continue to receive 60 dBu service from the proposed allotment site. The proposed modification will result in a loss of service to 16,199 persons.

The 60 dBu contour from the proposed operation of Channel 240A in Queensbury, NY covers 2516 square kilometers and 126,358 persons. Of that area and population, 1437 square kilometers and 107,254 persons presently receive 60 dBu service from the operation of WCQL(FM). The proposed modification will result in a gain of service to 19,104 persons.

A modification of the Table of Allotments, as proposed in this Petition will result in a net increase of 2,905 persons (a 2.4% increase) receiving 60 dBu service from WCQL(FM).

WCQL(FM)'s proposed operation will replace the first local service to Queensbury, NY."

CHANNEL 290A AT INDIAN LAKE, NY

The 60 dBu contour from the proposed operation of Channel 290A in Indian Lake, NY covers 3143 square kilometers and 6,653 persons.

The operation of a new FM facility on 290A at Indian Lake, NY will provide the first local service to that community.

ALLOTMENT IMPROVEMENT

The channel 240A allotment at Glens Falls, NY is a short-spaced allotment grandfathered at 3.0 kW at 100 meters or equivalent. The allotment for channel **240A** at Queensbury is a fully spaced 6.0 kW 100 meter Class A allotment.

MUTUAL EXCLUSIVITY

CHANNEL 289A AT MALTA, NY

The proposed allotment site for channel 289A at Malta, NY is 48.7 kilometers from the antenna site for WNYQ(FM), 289B1, in Queensbury, NY. 47 C.F.R. § 73.207 requires co-channel Class A and Class B1 facilities to be separated by 143 kilometers. No combination of sites exists that allow simultaneous service to Queensbury and Malta on channel 289.

^{1/} Glens Falls will retain service from WGFR(FM), WLJH(FM), WMML(AM) and WWSC(AM)

CHANNEL 240A AT QUEENSBURY, NY

The proposed allotment site for channel 240A at Queensbury, NY is 12.7 kilometers from the antenna site for WCQL(FM), 240A, in Glens Falls, NY. 47 C.F.R. § 73.207 requires co-channel Class **A** facilities to be separated by 115 kilometers. No combination of sites exists that allow simultaneous service to Queensbury and Glens Falls on channel 240.

CHANNEL 290A AT INDIAN LAKE, NY

The proposed allotment site for channel 290A at Indian Lake, NY is 60.2 kilometers from the antenna site for WNYQ(FM), 289B1, in Queensbury, **NY**. 47 C.F.R. § 73.207 requires first adjacent Class A and Class B1 facilities to be separated by 96 kilometers. No combination of sites exists that allow simultaneous service to Queensbury on channel 289B1 and Indian Lake on channel 290A.

The proposed allotment site for channel 289A at Malta, NY is 99.1 kilometers from the site for 290A at Indian Lake. 47 C.F.R. § 73.207 requires first adjacent Class A facilities to be separated by 72 kilometers. The allotment at Indian Lake is made possible by the moving of the channel 289 allotment from Queensbury to Malta

OTHER AURAL SERVICES

Two distinct loss areas are definable. The first is the area within the present 60 dBu coverage of WCQL(FM) but outside the 60 dBu coverage of the proposed 240A allotment in Queensbury. This area is plotted in Figure 4 and called Loss Area 'A'.

The second loss area is the area within the present 60 dBu contour of WNYQ(FM) and outside the 60 dBu coverage from the proposed 240A allotment in Queensbury. This area is plotted in Figure 5 and called Loss Area 'B'.

WGY(AM) operates at 50 kW, ND with an antenna efficiency of 383.0 mV/m/kw at 1 km from N42-47-37, W74-00-36. The WGY(AM) location is 115 km from the furthest point of the loss areas. The 5.0 mV/m contour from WGY(FM) extends a minimum of 145 km from the WGY(AM) site and thus encompasses all of the loss areas.

Figure 6 is a plot of Loss Area 'A' and the protected service contours of various FM stations in the area near WCQL(FM). As shown in that Figure, at least four stations (in addition

to WCY) serve the entire loss area. Moving WCQL(FM) from Glens Falls, NY to Queensbury, NY will not result in any under served areas being created.

WKBE(FM) is co-located with the present antenna for WNYQ(FM) and like WNYQ(FM) is a full Class B1 facility. The contours of WKBE(FM) are identical with those of WNYQ(FM) and so the entire Loss Area 'B' is encompassed by the protected service contour of WKBE(FM).

Figure 7 is a plot of Loss Area 'B' and the protected service contours of numerous FM stations in the area near WNYQ(FM). In addition to the stations shown, at least 12 more FM or AM protected service contours provide service to parts of the loss area. None of the additional signals reduce the under served areas, however, and are not plotted.

Figure 8 is a plot of six distinct under served areas in loss area 'B'. The areas, populations and remaining services are tabulated below.

<u>AREA</u>	<u>SQ. KM.</u>	<u>POPULATION</u>	<u>REMAINING SERVICES</u>
I	89.8	54	4
II	36.9	0	3
III	69.0	20	4
IV	156.6	2,457	4
V	51.6	3	4
VI	37.6	206	4

The total under served population within the loss area created by the removal of WNYQ(FM) from Queensbury is 2,740 persons,

Figure 9 is a plot of the service contour of the proposed Indian Lake allotment and all of the overlapping contours (**As** with the Queensbury loss area, WGY(AM) serves the entire area). The number of protected contours presently serving each of the areas is also indicated. **As** shown, all but 24.3 sq. km. of the 3143 sq. km. (and 37 of the 6,653 persons) in the proposed service area is under served. More than 70% of the area presently receives three or fewer services, 20% presently receives only two services and a small portion only one service. Approximately 29% of the population within the proposed 60 dBu of the Indian Lake allotment will become fully served once the allotment is granted, *i.e.*, will now receive a fifth aural service.

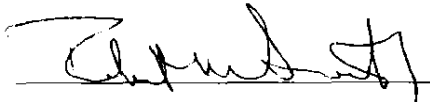
SUMMARY

The proposed changes to the Commission's Table of Allotments will result in the following improvements in the use of the spectrum:

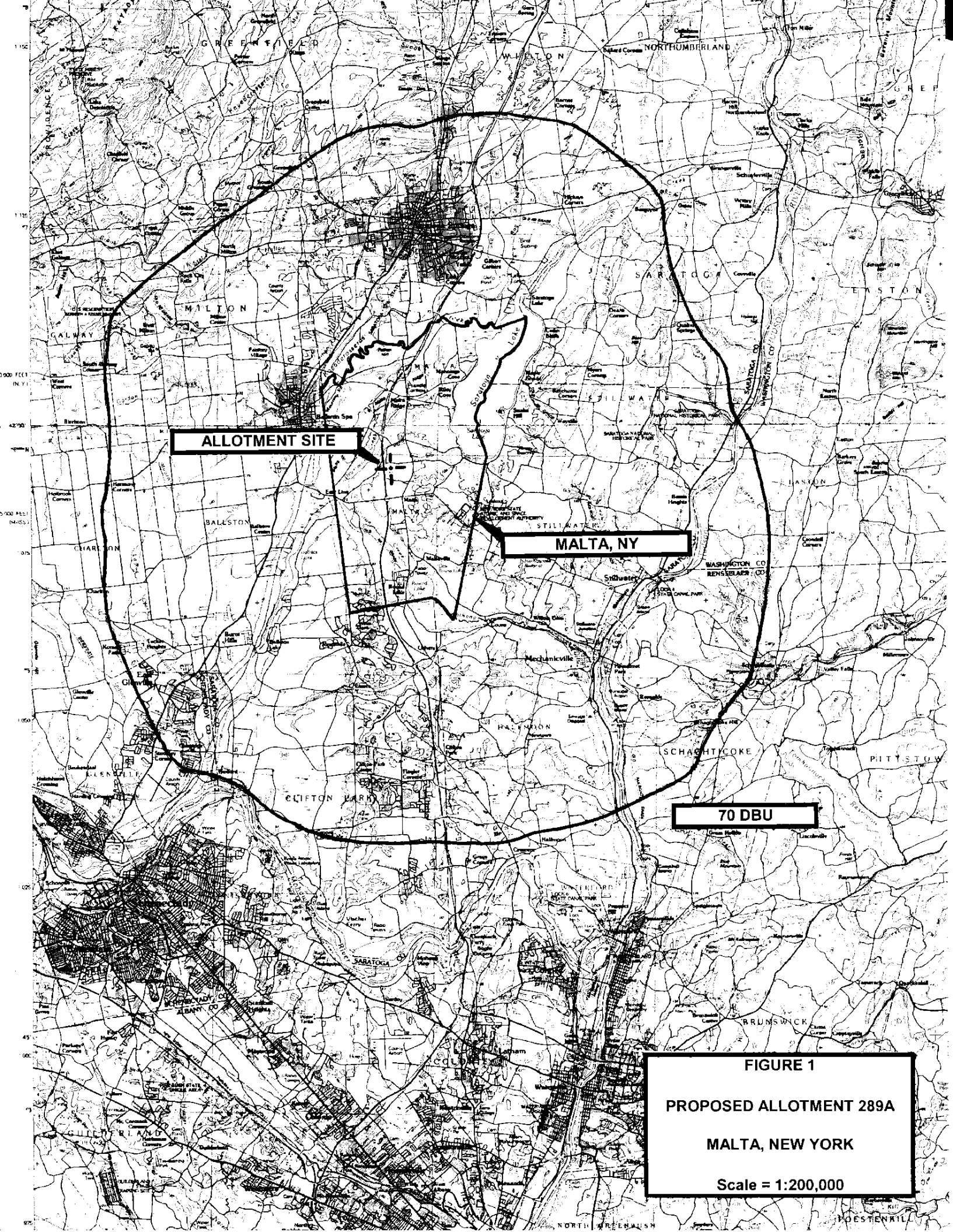
1. Malta, NY receives its first local service
2. Indian Lake, NY receives its first local service
3. A total of 317,016 more people receive 60 dBu service than at present
4. A total of 2,740 people will be left under served around Queensbury, NY and 6,616 people presently under served around Indian Lake, NY will receive an additional aural service.
5. Queensbury, NY retains a first local service

CERTIFICATION

I, Robert M. Smith Jr., of Port St. Lucie, FL, do hereby certify that all of the data, calculations and statements in this application are true and correct to the best of my knowledge and belief. I further certify that I am an experienced and qualified broadcast engineer and that my qualifications are a matter of record with the Commission.

A handwritten signature in black ink, appearing to read 'Robert M. Smith Jr.', written over a horizontal line.

Robert M. Smith Jr.



ALLOTMENT SITE

MALTA, NY

70 DBU

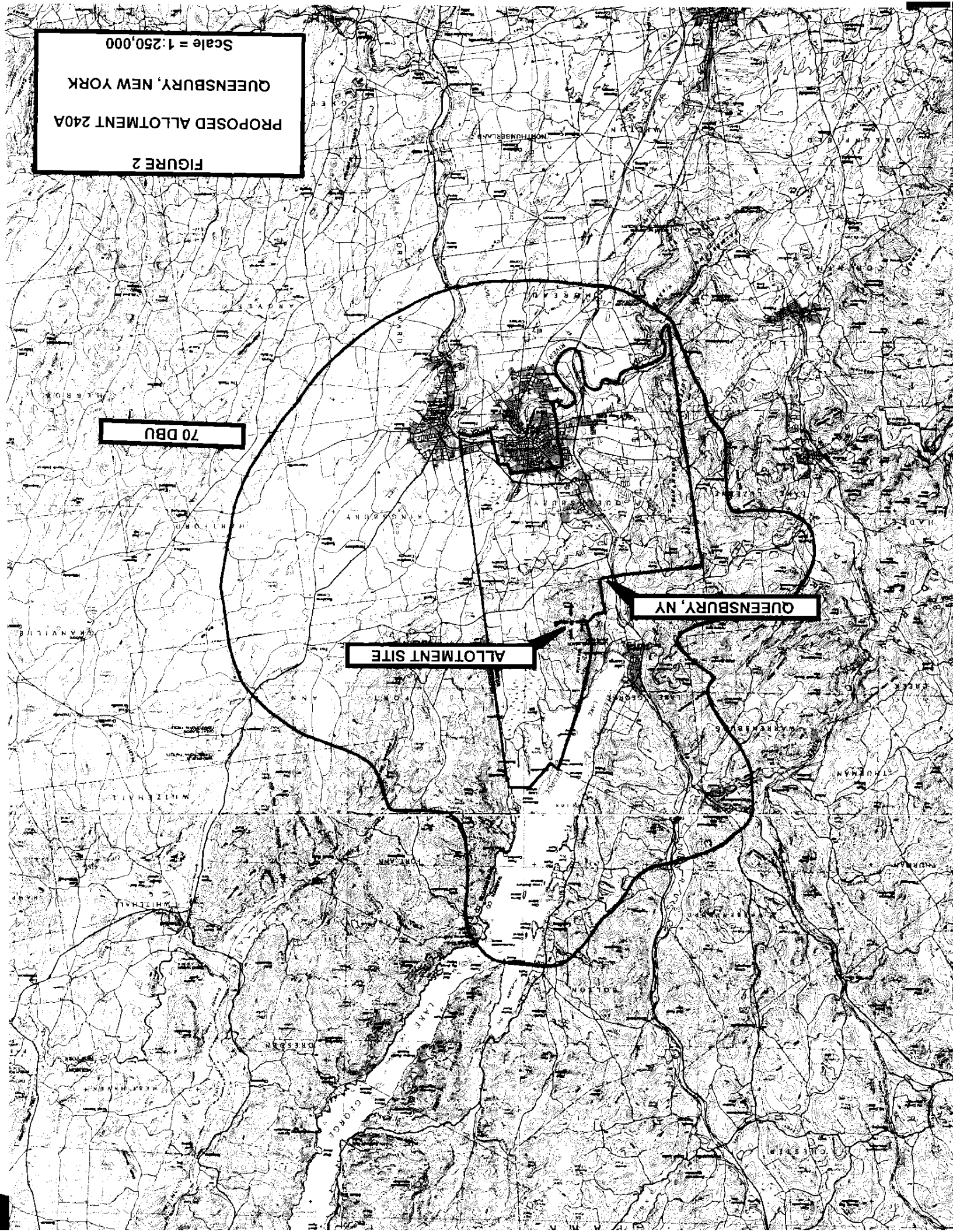
FIGURE 1

PROPOSED ALLOTMENT 289A

MALTA, NEW YORK

Scale = 1:200,000

PROPOSED ALLOTMENT 240A
QUEENSBURY, NEW YORK
FIGURE 2
Scale = 1:250,000



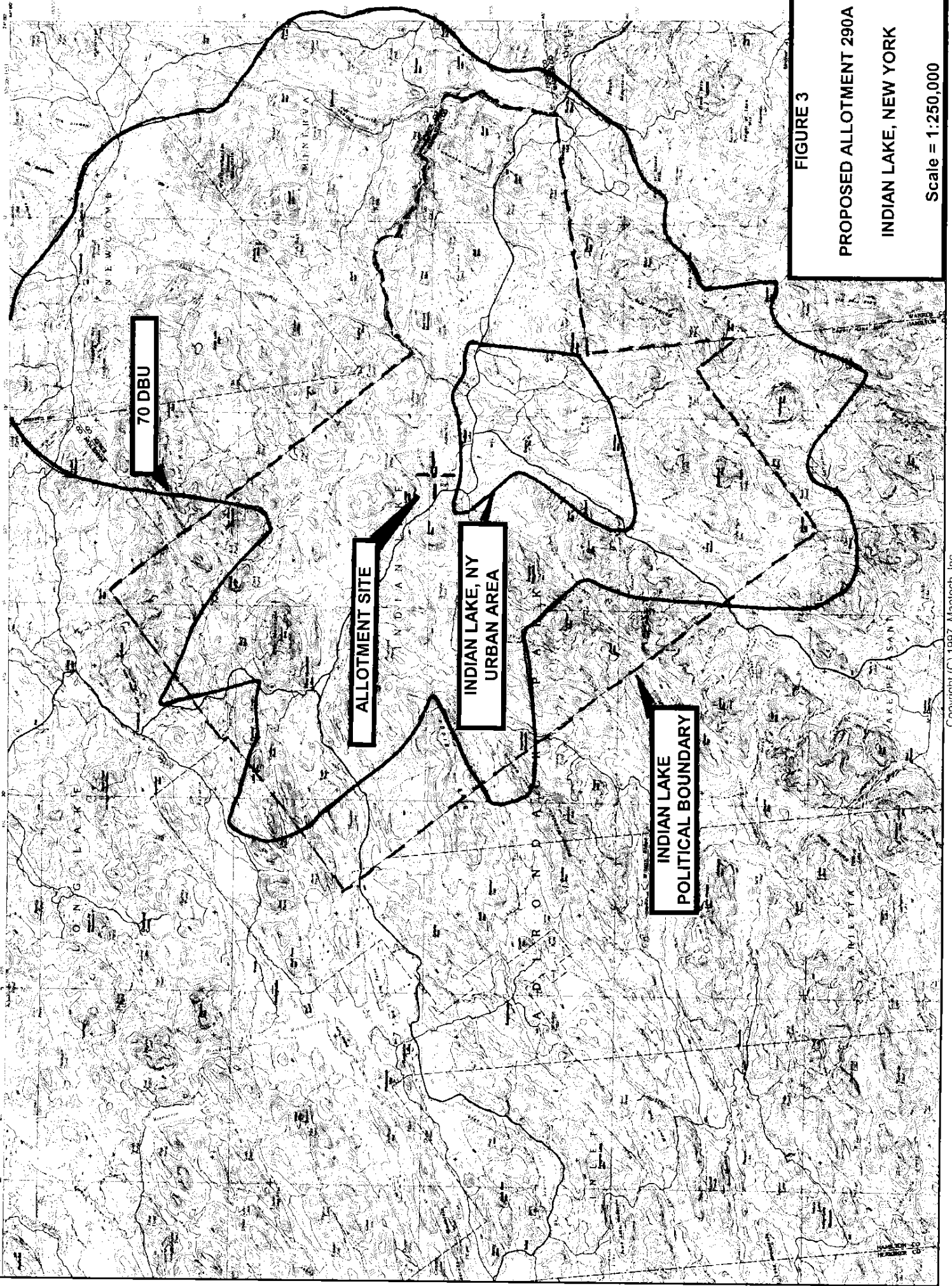


FIGURE 3

PROPOSED ALLOTMENT 290A

INDIAN LAKE, NEW YORK

Scale = 1:250,000

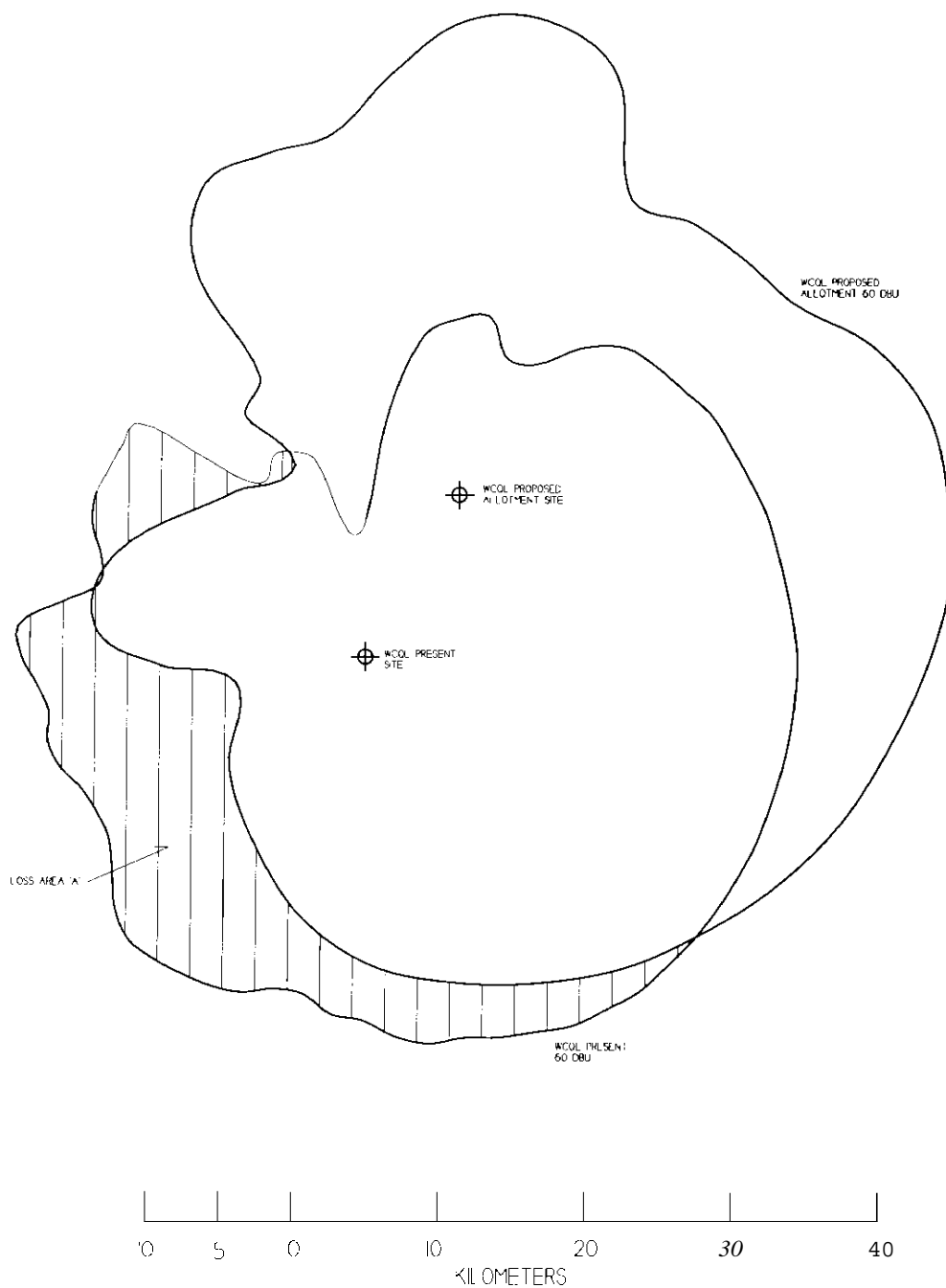


FIGURE 4
WCOL (FM) LOSS AKFA

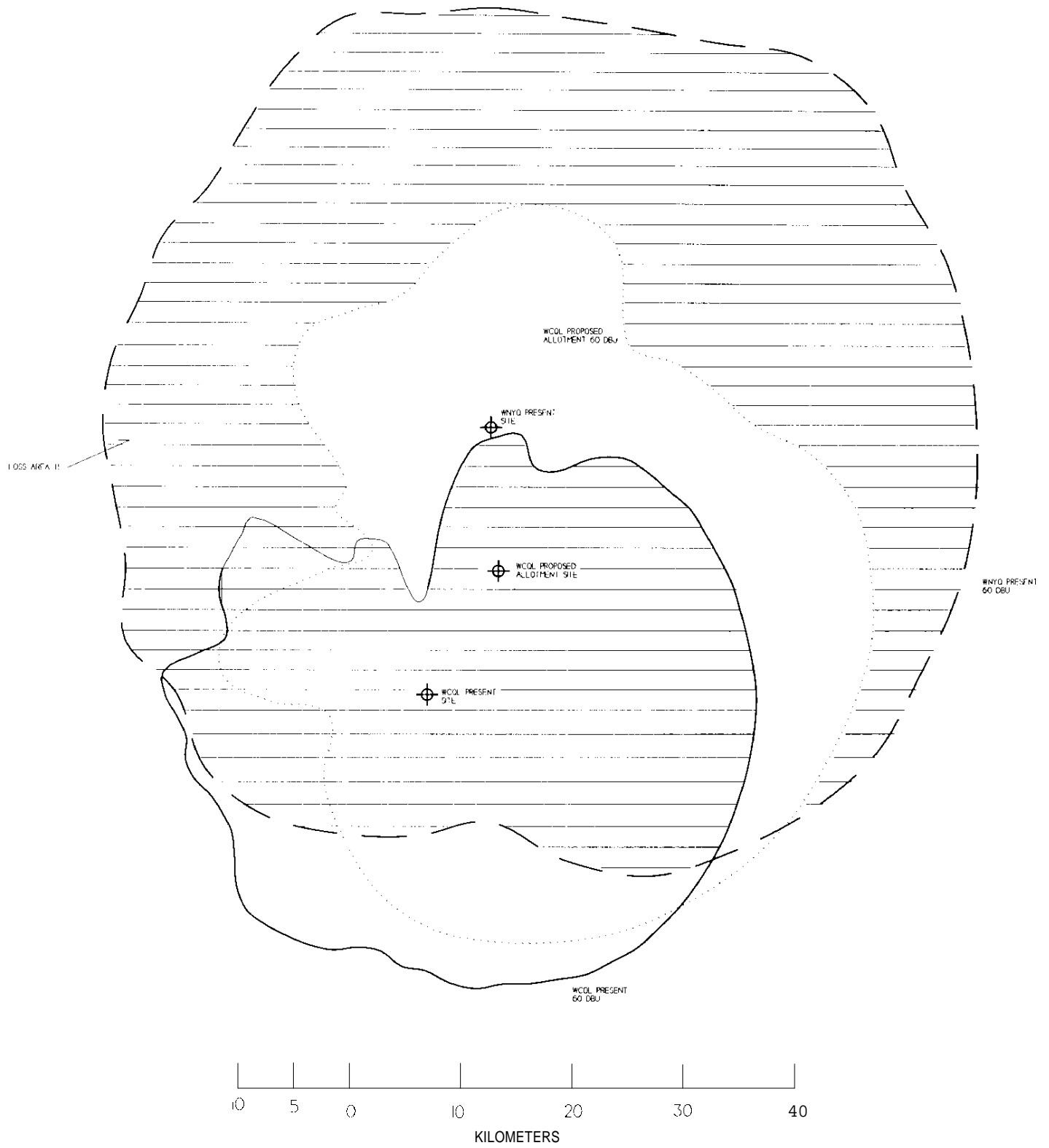
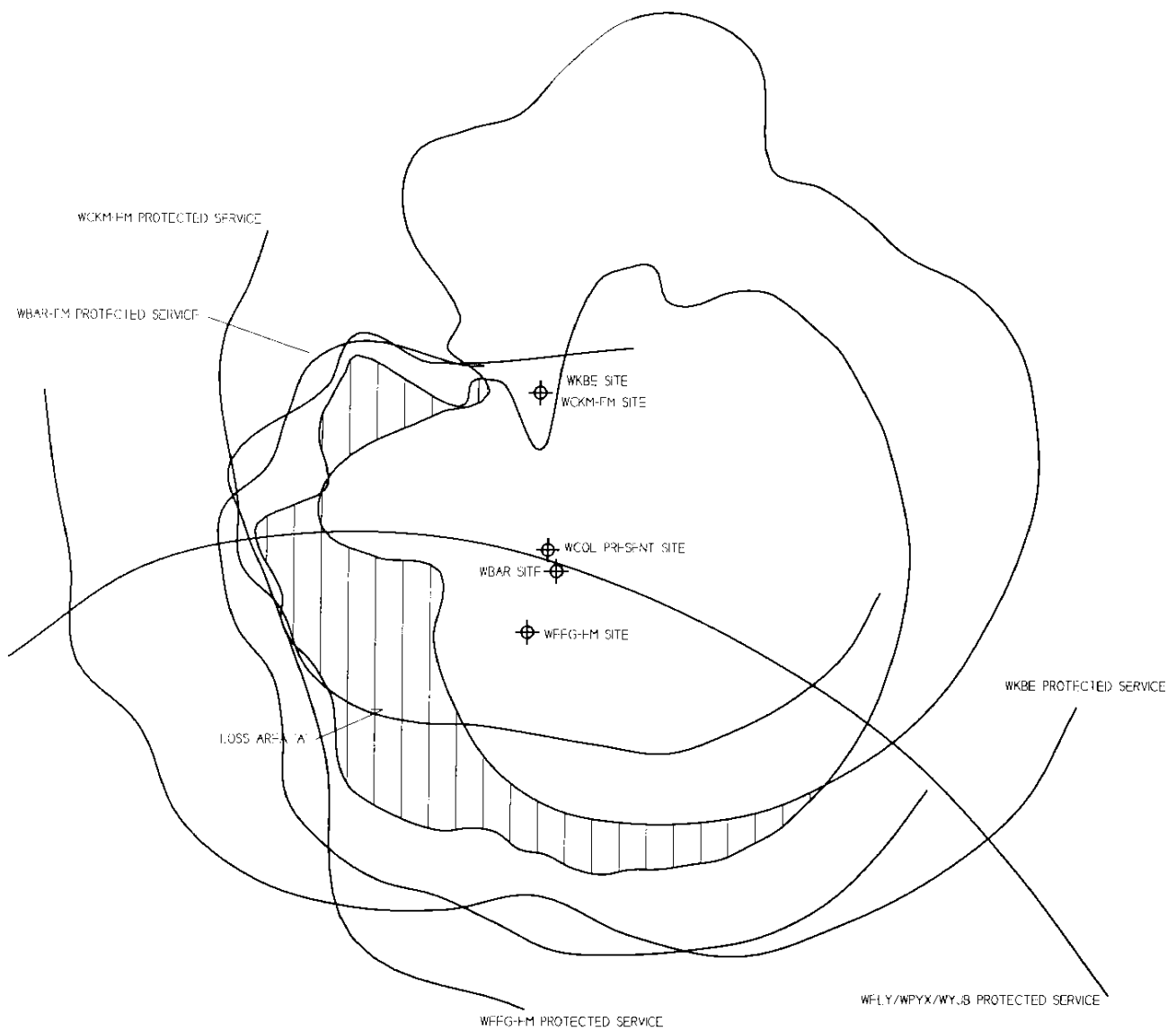


FIGURE 5
WNYO(FM) LOSS AREA



WFLY/WPYX/WYJB SITE

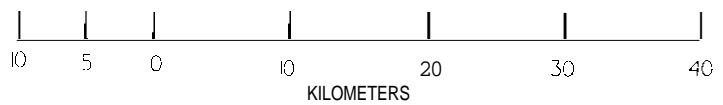
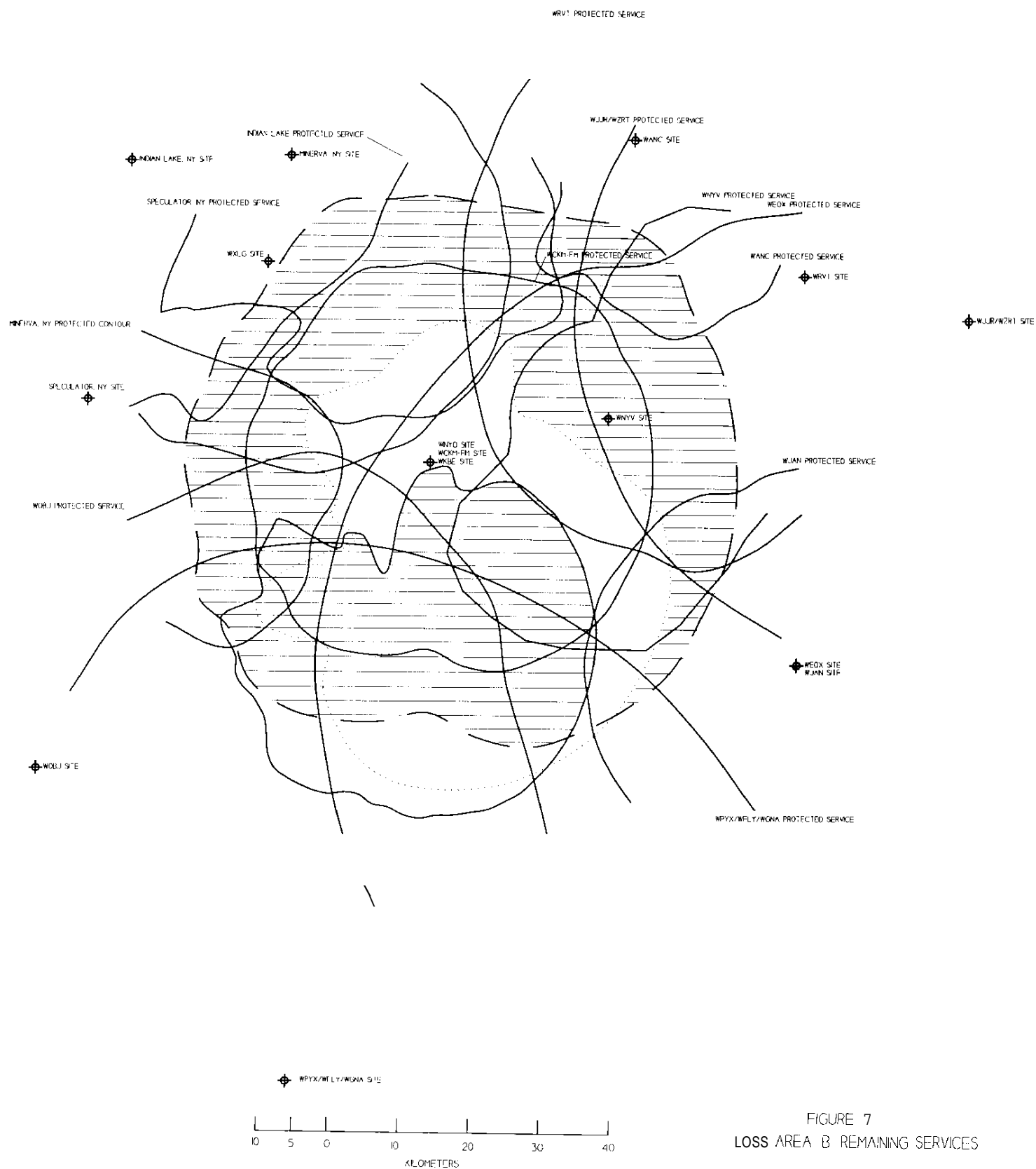


FIGURE 6
LOSS AREA A REMAINING SERVICES



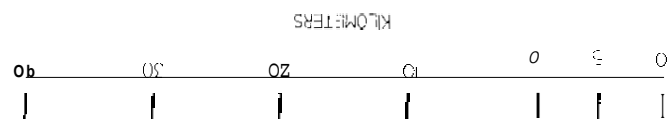


FIGURE 9
SERVICES IN INDIAN LAKE PROPOSED SERVICE AREA

Exhibit 2

Table DP-1. Profile of General Demographic Characteristics: 2000
 Geographic area: Malta town, Saratoga County, New York

[For information on confidentiality protection, nonsampling error, and definitions, see text.]

Subject		Subject	
Number	Percent	Number	Percent
13,005	100.0	13,005	100.0
SEX AND AGE		HISPANIC OR LATINO AND RACE	
Male	6,514	Hispanic or Latino (of any race)	13,005
Female	6,491	Mexican	188
Under 5 years	954	Puerto Rican	38
5 to 9 years	992	Cuban	10
10 to 14 years	926	Other Hispanic or Latino	62
15 to 19 years	661	Not Hispanic or Latino	12,817
20 to 24 years	619	White alone	12,406
25 to 34 years	2,178		
35 to 44 years	2,581	RELATIONSHIP	
45 to 54 years	1,923	Total population	13,005
55 to 64 years	634	In households	12,974
65 to 74 years	424	Householder	5,296
75 to 84 years	405	Spouse	2,942
85 years and over	86	Householder	407
Median age (years)	35.6	Other relatives	254
18 years and over	9,678	Under 18 years	75
Male	4,832	Nonrelatives	732
Female	4,846	Unmarried partner	441
21 years and over	9,348	In group quarters	31
62 years and over	1,333	Institutionalized population	0.2
65 years and over	1,113	Noninstitutionalized population	12,999
Male	509		
Female	604	HOUSEHOLD BY TYPE	
Asian Indian	37	Total households	5,295
Asian	137	Family households (families)	3,538
Chinese	40	With own children under 18 years	1,823
Filipino	14	Married-couple family	2,942
Japanese	6	With own children under 18 years	556
Korean	23	Female householder, no husband present	1,439
Korean	6	With own children under 18 years	272
Native Hawaiian and Other Pacific Islander	16	Female householder, no husband present	420
Other Asian	3	With own children under 18 years	1,9
Other Asian	16	With own children under 18 years	52
Native Hawaiian and Other Pacific Islander	1	Nonfamily households	1,757
Guamanian or Chamorro	1	Householder living alone	332
Guamanian or Chamorro	1	Householder living alone	246
Native Hawaiian	1	Householder living alone	318
Other Pacific Islander	1	Householder living alone	60
Some other race	67	Householder living alone	246
Two or more races	106	Householder living alone	318
Race alone or in combination with one or more other races:		Householder living alone	318
White	12,615	Householder living alone	318
Black or African American	181	Householder living alone	318
American Indian and Alaska Native	63	Householder living alone	318
Asian	164	Householder living alone	318
Native Hawaiian and Other Pacific Islander	8	Householder living alone	318
Some other race	83	Householder living alone	318
HOUSING TENURE		Householder living alone	318
Occupied housing units	970	Householder living alone	318
Owner-occupied housing units	1,4	Householder living alone	318
Renter-occupied housing units	0.5	Householder living alone	318
Average household size of owner-occupied units	0.1	Householder living alone	318
Average household size of renter-occupied units	0.6	Householder living alone	318

- Represents zero or rounds to zero (X) Not applicable
 1 Other Asian alone, or two or more Asian categories.
 2 Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.
 3 In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.
 Source: U.S. Census Bureau, Census 2000.

Table DP-2. Profile of Selected Social Characteristics: 2000

Geographic area: Malta town Saratoga County New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text.]

Subject	Number	Percent	Subject	Number	Percent
SCHOOL ENROLLMENT			NATIVITY AND PLACE OF BIRTH		
Population 3 years and over enrolled in school.....	3,124	100.0	Total population.....	13,005	100.0
Nursery school, preschool	344	11.0	Native,	12,588	96.8
Kindergarten	129	4.1	Born in United States	12,514	96.2
Elementary school (grades 1-8)	1,554	48.7	State of residence	9,943	76.5
High school (grades 9-12)	604	19.3	Different state	2,571	19.8
College or graduate school	493	15.8	Born outside United States	74	0.6
			Foreign born.....	417	3.2
			Entered 1990 to March 2000	165	1.3
EDUCATIONAL ATTAINMENT			Naturalized citizen	221	1.7
Population 25 years and over.....	8,877	100.0	Not a citizen	196	1.5
Less than 9th grade	112	1.3			
9th to 12th grade, no diploma	452	5.1	REGION OF BIRTH OF FOREIGN BORN		
High school graduate (includes equivalency)	2,418	27.2	Total (excluding born at sea).....	417	100.0
Some college, no degree	1,670	18.8	Europe	153	36.7
Associate degree	1,141	12.9	Asia	143	34.3
Bachelor's degree	2,002	22.6	Africa	28	6.7
Graduate or professional degree	1,082	12.2	Oceania		
Percent high school graduate or higher	93.6	(X)	Latin America	50	12.0
Percent bachelor's degree or higher	34.7	(X)	Northern America	43	10.3
MARITAL STATUS			LANGUAGE SPOKEN AT HOME		
Population 15 years and over.....	10,147	100.0	Population 5 years and over.....	12,020	100.0
Never married	2,303	22.7	English only	11,371	94.6
Now married, except separated	6,268	61.8	Language other than English	649	5.4
Separated	312	3.1	Speak English less than "very well"	178	1.5
Widowed	417	4.1	Spanish	95	0.8
Female	334	3.3	Speak English less than "very well"	36	0.3
Divorced	847	8.3	Other Indo-European languages	431	3.6
Female	503	5.0	Speak English less than "very well"	82	0.7
			Asian and Pacific Island languages	75	0.6
			Speak English less than "very well"	45	0.4
GRANDPARENTS AS CAREGIVERS					
Grandparent living in household with one or more own grandchildren under 18 years	132	100.0	ANCESTRY (single or multiple)		
Grandparent responsible for grandchildren	89	67.4	Total population.....	13,005	100.0
			Total ancestries reported	16,877	129.8
VETERAN STATUS			Arab	62	0.5
Civilian population 18 years and over	9,517	100.0	Czech'	165	1.3
Civilian veterans	1,266	13.3	Danish	51	0.4
			Dutch	524	4.0
DISABILITY STATUS OF THE CIVILIAN NONINSTITUTIONALIZED POPULATION			English	1,965	15.1
Population 5 to 20 years.....	2,642	100.0	French (except Basque)'	1,200	9.2
With a disability	168	6.4	French Canadian'	481	3.7
Population 21 to 64 years.....	8,084	100.0	German	2,322	17.9
With a disability	921	11.4	Greek	152	1.2
Percent employed	77.2	(X)	Hungarian	74	0.6
No disability	7,163	88.6	Irish'	3,426	26.3
Percent employed	87.0	(X)	Italian	2,267	17.4
Population 65 years and over.....	1,126	100.0	Lithuanian.. ..	52	0.4
With a disability.. ..	373	33.1	Norwegian	129	1.0
			Polish.. ..	1,205	9.3
RESIDENCE IN 1995			Portuguese	68	0.5
Population 5 years and over.....	12,020	100.0	Russian	144	1.1
Same house in 1995	6,423	53.4	Scotch-Irish	266	2.0
Different house in the U.S. in 1995	5,469	45.5	Scotish	359	2.8
Same state	2,873	23.9	Slovak	85	0.7
Different state	2,506		Subsaharan African		
Elsewhere in 1995	1,612	13.4	Swedish	104	0.8
	984	8.2	Swiss	53	0.4
	128	1.1	Ukrainian	109	0.8
			Welsh	439	3.4
			West Indian (excluding Hispanic groups).....	78	0.6
			Other ancestries	15	0.1
				1,082	8.3

-Represents zero or rounds to Zero (X) Not applicable.

Source: U.S. Bureau of the Census, Census 2000

Geographic area' Malta town, Saratoga Couriry, New York

[For a summary of the sampling error, nonsampling error, and definitions, see text.]

-Represents **zero** or rounds to zero (X) Not applicable
 1 If the denominator of a mean value or per capita value is less than 30, then that value is calculated using a rounded aggregate in the numerator
 See text
 Source: U.S. Bureau of the Census, Census 2000

Table DP-4. Profile of Selected Housing Characteristics: 2000

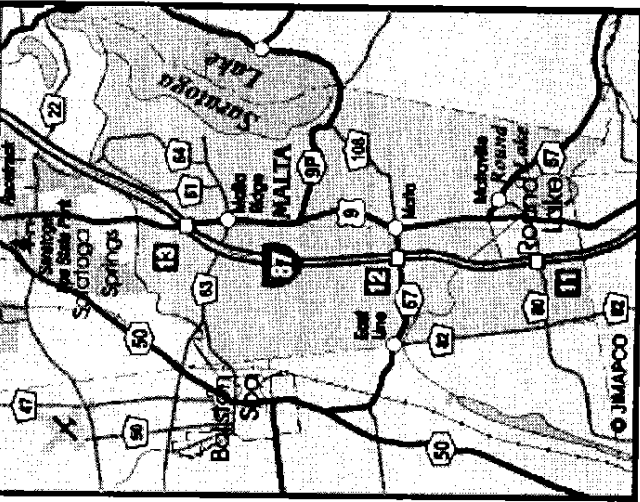
Geographic area: Malta town, Saratoga County, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text.]

Subject	Number	Percent	Subject	Number	Percent
Total housing units...	5,754	100.0	JCCUPANTS PER ROOM		
UNITS IN STRUCTURE			Occupied housing units	5,295	100.0
1-unit, detached	2,932	51.0	100 or less	5,253	99.2
1-unit, attached	718	12.5	1.01 to 1.50	18	0.3
2 units	195	3.4	1.51 or more	24	0.5
3 or 4 units	967	16.8			
5 to 9 units	225	3.9	Specified owner-occupied units	2,753	100.0
10 to 19 units	51	0.9	VALUE		
20 or more units	41	0.7	Less than \$50,000		
Mobile home	618	10.7	\$50,000 to \$99,999	779	28.3
Boat, RV, van, etc	7	0.1	\$100,000 to \$149,999	1,219	44.3
			\$150,000 to \$199,999	490	17.8
YEAR STRUCTURE BUILT			\$200,000 to \$299,999	183	6.6
1999 to March 2000	78	1.4	\$300,000 to \$499,999	54	2.0
1995 to 1998	266	4.6	\$500,000 to \$999,999	28	1.0
1990 to 1994	949	16.5	\$1,000,000 or more		
1980 to 1989	2,026	35.2	Median (dollars)	122,400	(X)
1970 to 1979	1,315	22.9			
1960 to 1969	220	3.8	MORTGAGE STATUS AND SELECTED		
1940 to 1959	352	6.1	MONTHLY OWNER COSTS		
1939 or earlier	548	9.5	With a mortgage	2,340	85.0
ROOMS			Less than \$300	8	0.3
1 room	65	1.1	\$300 to \$499	39	1.4
2 rooms	45	0.8	\$500 to \$699	73	2.7
3 rooms	227	3.9	\$700 to \$999	577	21.0
4 rooms	1,535	26.7	\$1,000 to \$1,499	1,009	36.7
5 rooms	1,167	20.3	\$1,500 to \$1,999	517	18.8
6 rooms	920	16.0	\$2,000 or more	117	4.2
7 rooms	668	11.6	Median (dollars)	1,223	(X)
8 rooms	683	11.9	Not mortgaged	413	15.0
9 or more rooms	444	7.7	Median (dollars)	416	(X)
Median (rooms)	5.4	(X)			
Occupied housing units	5,295	100.0	SELECTED MONTHLY OWNER COSTS		
YEAR HOUSEHOLDER MOVED INTO UNIT			AS A PERCENTAGE OF HOUSEHOLD		
1999 to March 2000	1,132	21.4	INCOME IN 1999		
1995 to 1998	1,664	31.4	Less than 15.0 percent	741	26.9
1990 to 1994	917	18.5	15.0 to 19.9 percent	682	24.8
1980 to 1989	1,004	19.0	20.0 to 24.9 percent	543	19.7
1970 to 1979	295	5.6	25.0 to 29.9 percent	284	10.3
1969 or earlier	223	4.2	30.0 to 34.9 percent	179	6.5
			35.0 percent or more	324	11.8
			Not computed		
VEHICLES AVAILABLE					
None	79	1.5	Specified renter-occupied units	1,752	100.0
1	1,845	34.8	GROSS RENT		
2	2,117	51.3	Less than \$200		
3 or more	654	12.4	\$200 to \$299		
			\$300 to \$499	126	7.2
HOUSE HEATING FUEL			\$500 to \$749	1,169	66.7
Utility gas	2,859	54.0	\$750 to \$999	302	17.2
Bottled tank or LP gas	532	10.0	\$1,000 to \$1,489	140	8.0
Electricity	630	11.9	\$1,500 or more		
Fuel oil, kerosene, etc	1,138	21.5	No cash rent	15	0.9
Coal or cake			Median (dollars)	676	(X)
Wood	103	1.9			
Solar energy			GROSS RENT AS A PERCENTAGE OF		
Other fuel	26	0.5	HOUSEHOLD INCOME IN 1999		
No fuel used	7	0.1	Less than 15.0 percent	540	30.8
			15.0 to 19.9 percent	314	17.9
SELECTED CHARACTERISTICS			20.0 to 24.9 percent	262	15.0
Lacking complete plumbing facilities	16	0.3	25.0 to 29.9 percent	220	12.6
Lacking complete kitchen facilities	8	0.2	30.0 to 34.9 percent	105	6.0
No telephone service	65	1.2	35.0 percent or more	282	16.1
			Not computed	29	1.7

Represents zero or rounds to zero (X) Not applicable

Source: U.S. Bureau of the Census, Census 2000

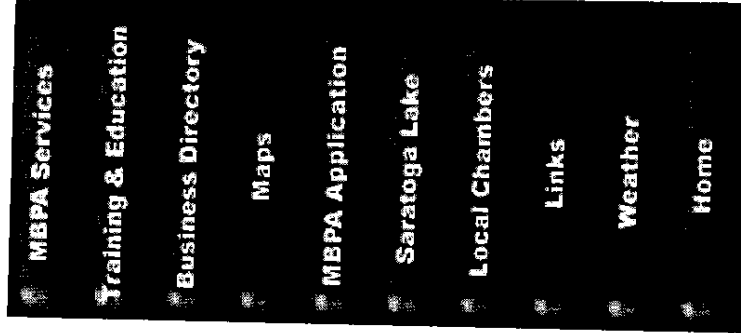


For a detailed close up of the map
click on any section of Malta (in yellow)

*"Our goal is to promote and
advance the commercial,
industrial, civic climate and
general interests of the
business and professional
enterprises in the Town of
Malta."*

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